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Attorney for PLAINTIFFS

WAYNE MERRITT MOTOR CO., INC. DBA

RV'S OF MERRITT, & WAYNE & PEGGY MERRITT

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

WAYNE MERRITT MOTOR CO., INC.)

dba RV'S OF MERRITT, WAYNE)

MERRITT, PEGGY MERRITT,)

Plaintiffs,)

vs.)

NEW HAMPSHIRE INSURANCE)

COMPANY, and Does 2-100,)

Defendants.)

CASE NO.: 11-CV-01762 LHK

**STIPULATION AND ORDER FOR
PLAINTIFFS TO HAVE LEAVE TO
FILE THEIR PROPOSED SECOND
AMENDED COMPLAINT**

Attached hereto, and marked as Exhibit 1 is Plaintiffs' proposed second amended complaint. Plaintiffs and defendant, New Hampshire Insurance Company ("NHIC"), do hereby stipulate that Plaintiffs have leave to file the Second Amended Complaint.

By so stipulating above, NHIC does not concede the merit of any causes of action contained in the Second Amended Complaint and reserves its right to challenge any and all such causes of action. The parties further stipulate that NHIC shall have thirty (30) days from the date this Court grants the instant Stipulation and Order within which to file

1 *its response to Plaintiffs' Second Amended Complaint.*

2 *SO STIPULATED.*

3 **DATED: 5/4/11**

/s/ John A. Shepardson
JOHN A. SHEPARDSON, ESQ.
FOR PLAINTIFFS

6 **DATED: 5/4/11**

/s/ David T. DiBiase
DAVID T. DIBIASE, ESQ. FOR
DEFENDANT NEW HAMPSHIRE
INSURANCE COMPANY

9 Based on said Stipulation, the Court grants Plaintiffs leave to file their proposed
10 Second Amended Complaint. Defendant New Hampshire Insurance Company's
11 response to the Second Amended Complaint shall be filed no later than thirty (30) days
12 from the below date that this Order is approved. Plaintiffs shall file the Second Amended
13 Complaint as a separate docket entry by Monday, May 9, 2011.

15 IT IS SO ORDERED.

16 Dated: May 4, 2011


HON. LUCY H. KOH